

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:
Graeme I. Bell, Terry Reisine
and Kazuki Yasuda**

Serial No.: 08/455,683

Filed: May 31, 1995

**For: OPIOID RECEPTORS
COMPOSITIONS AND METHODS**

Examiner: S. Teng

Group Art Unit: 1808

Atty. Dkt.: ARCD:177/WIM

CERTIFICATE OF MAILING
37 C.F.R. 1.8

PETITION FOR SUSPENSION OF ACTION

**Assistant Commissioner for Patents
Washington, D.C. 20231**

Sir.

Applicants respectfully request that action in the above-referenced case be suspended for six months from the date of the Commissioner's decision on this Petition. This Petition is filed pursuant to 37 C.F.R. § 1.103.

The facts of this case are as follows. The present case has been pending since May 31, 1995, and the application has an effective filing date of May 20, 1993.

For the reasons below, Applicants request a six month stay of proceedings in the above-referenced case in order to allow for the collection and submission of information pursuant to assure compliance to Applicants' duty of disclosure as set forth in 37 C.F.R. § 1.56.

Applicants' representative understands that there have been allegations of scientific misconduct made against Dr. Terry Reisine, one of the named inventors on this application. These allegations, if true, might implicate questions with regard to some of the data contained in the instant patent application. It is Applicants' representative's understanding that an investigation into these matters has been completed or is nearing completion by the University of Pennsylvania. Further, it is Applicants' representative's understanding that the findings of this investigation have been or will be forwarded to the appropriate body at the NIH. It is Applicants' representative's understanding that Dr. Reisine has vigorously disputed and continues to vigorously dispute the charges of scientific misconduct.

The above detailed situation has placed Applicants, and all persons associated with this file who owe a duty of candor and good faith dealing to the Patent Office, in a dilemma. With the investigation into Dr. Reisine not at ultimate resolution, it is impossible to present a complete picture of the situation to the Patent and Trademark Office so that the Examiner may consider these issues in regard to the patentability of the invention.

Applicants believe a six month stay of proceedings is warranted owing to the procedural posture of this case. Applicants are awaiting a first Official Action. Obviously, Applicants do not wish the Examiner to consider this case until she can consider complete information relating to the

allegations of scientific misconduct advanced against Dr. Reisine. Applicants, of course, wish for these issues to be fully considered prior to any determination of allowability of the case.

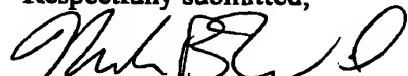
It is hoped that six months will be sufficient time for the University of Pennsylvania and the NIH to complete their investigations and for a full picture of the situation to be developed and presented to the Patent and Trademark Office.

If this petition is not granted, prosecution should be allowed to continue. Applicants will file appropriate information regarding the Reisine situation as soon as possible.

Applicants thank the Commissioner for consideration of these issues. Applicants enclose a check \$130.00 to cover the cost of this Petition. Should any other fees be occasioned by the filing of this Petition, the Commissioner is authorized to deduct or credit said fees from or to Arnold, White & Durkee Deposit Account No. 01/2508/ARCD:177/WIM. Of course, anyone associated with the Patent and Trademark Office is welcome to call the Applicants' representative listed below.

Please date and return the enclosed postcard, evidencing receipt of these papers.

Respectfully submitted,



Mark B. Wilson
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Date: August 26, 1996

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